

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Encompass Insurance, Inc.,)	
)	
Plaintiff and Counter-Defendant,)	Case No. 1:08-cv-337
)	
vs.)	
)	Magistrate Judge Joseph G. Scoville
Hagerty Insurance Agency, Inc. and)	
Hagerty Classic Marine Insurance Agency, Inc.)	
)	
Defendants and Counterclaimants.)	

ORDER DISMISSING CERTAIN COUNTS

The parties having filed an Agreed Motion For Order Dismissing Certain Counts, the Court orders as follows:

1. Counts III, IV, and V of Hagerty's Counterclaim (Docket No. 13) are dismissed with prejudice.
2. Counts II and III of Encompass's Complaint (Docket No. 1) are dismissed with prejudice.
3. Nothing in this Order shall preclude Encompass from seeking relief under Fed. R. Civ. P. 60(b) with respect to Count II of its Complaint, or shall preclude Hagerty from opposing, on any grounds, any relief sought by Encompass under Rule 60(b).

DONE AND ORDERED this 2nd day of November, 2009

/s/ Joseph G. Scoville
Hon. Joseph G. Scoville